

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRUCE A. ROATH,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV01105 ERW
)	
DAVE DORMIRE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s motion to proceed in forma pauperis on appeal.

On August 29, 2007, petitioner appealed the Court’s dismissal of his habeas petition. On October 29, 2007, the Eighth Circuit Court of Appeals dismissed petitioner’s appeal. On December 3, 2007, the Court of Appeals additionally denied petitioner’s application for writ of mandamus. Despite the Eighth Circuit’s rulings, petitioner subsequently motioned the Court for a “declaratory judgment” and to “vacate [the previous] judgment.” The Court denied petitioner’s motion, which petitioner seeks to appeal.

For the reasons outlined in the Court’s January 3, 2008 Order, the Court will deny petitioner’s motion to proceed in forma pauperis on appeal and certify that an appeal of its January 3, 2008 Order would not be taken in good faith. Under 28 U.S.C. § 1915(a)(3), “An appeal may not be taken in forma pauperis if the trial court certifies in writing that

it is not taken in good faith.” The Court has so certified, and petitioner’s motion to proceed in forma pauperis on appeal will be denied.

Accordingly,

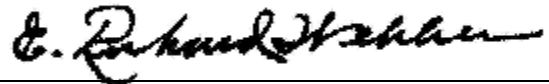
IT IS HEREBY ORDERED that petitioner’s motion to proceed in forma pauperis on appeal [Doc. #23] is **DENIED**.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, petitioner shall pay to this Court the full \$455 filing and docketing fees for filing an appeal. Petitioner is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that petitioner shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

IT IS FURTHER ORDERED that the Clerk shall forward a copy of this order to the United States Court of Appeals for the Eighth Circuit in accordance with Fed. R. App. P. 24(a)(4).

So Ordered this 14th Day of January, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE